

Senate File 479

S-3161

1 Amend Senate File 479 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 225C.2, Code 2019, is amended by adding
5 the following new subsections:

6 NEW SUBSECTION. 1A. "*Child*" or "*children*" means a person or
7 persons under eighteen years of age.

8 NEW SUBSECTION. 1B. "*Children's behavioral health*
9 *services*" means services for children with a serious emotional
10 disturbance.

11 NEW SUBSECTION. 1C. "*Children's behavioral health system*" or
12 "*children's system*" means the behavioral health service system
13 for children implemented pursuant to this subchapter.

14 NEW SUBSECTION. 11. "*Serious emotional disturbance*" means
15 a diagnosable mental, behavioral, or emotional disorder of
16 sufficient duration to meet diagnostic criteria specified
17 within the most current diagnostic and statistical manual
18 of mental disorders published by the American psychiatric
19 association that results in a functional impairment. "*Serious*
20 *emotional disturbance*" does not include substance use and
21 developmental disorders unless such disorders co-occur with
22 such a diagnosable mental, behavioral, or emotional disorder.

23 NEW SUBSECTION. 12. "*State board*" means the children's
24 behavioral health system state board created in section
25 225C.51.

26 Sec. 2. Section 225C.2, subsection 9, Code 2019, is amended
27 by striking the subsection.

28 Sec. 3. Section 225C.4, subsection 1, Code 2019, is amended
29 by adding the following new paragraph:

30 NEW PARAGRAPH. *0c.* Assist the state board in planning for
31 community-based children's behavioral health services.

32 Sec. 4. Section 225C.4, subsection 1, paragraphs d and j,
33 Code 2019, are amended to read as follows:

34 *d.* Encourage and facilitate coordination of mental health
35 and disability services with the objective of developing and

SF479.1132 (3) 88

(amending this SF 479 to CONFORM to HF 690)

hb/rh

1 maintaining in the state a mental health and disability service
2 delivery system to provide ~~disability~~ services to all persons
3 in this state who need the services, regardless of the place
4 of residence or economic circumstances of those persons. The
5 administrator shall work with the commission and other state
6 agencies, including but not limited to the departments of
7 corrections, education, and public health and the state board
8 of regents, to develop and implement a strategic plan to expand
9 access to qualified mental health workers across the state.

10 *j.* Establish and maintain a data collection and management
11 information system oriented to the needs of patients,
12 providers, the department, and other programs or facilities in
13 accordance with [section 225C.6A](#). The system shall be used to
14 identify, collect, and analyze service outcome and performance
15 measures data in order to assess the effects of the services on
16 the persons utilizing the services. The administrator shall
17 annually submit to the commission information collected by the
18 department indicating the changes and trends in the mental
19 health and disability services system. The administrator shall
20 make the outcome data available to the public.

21 Sec. 5. Section 225C.4, subsection 1, Code 2019, is amended
22 by adding the following new paragraphs:

23 NEW PARAGRAPH. *Ok.* Encourage and facilitate coordination
24 of children's behavioral health services with the objective of
25 developing and maintaining in the state a children's behavioral
26 health system to provide behavioral health services to all
27 children in this state who need the services, regardless of the
28 place of residence or economic circumstances of those children.
29 The administrator shall work with the state board and other
30 state agencies including but not limited to the department of
31 education and the department of public health to develop and
32 implement a strategic plan to expand access to qualified mental
33 health workers across the state.

34 NEW PARAGRAPH. *00k.* Establish and maintain a data
35 collection and management information system oriented to the

1 needs of children utilizing the children's behavioral health
2 system, providers, the department, and other programs or
3 facilities in accordance with section 225C.6A. The system
4 shall be used to identify, collect, and analyze service
5 outcome and performance measures data in order to assess the
6 effects of the services on the children utilizing the services.
7 The administrator shall annually submit to the state board
8 information collected by the department indicating the changes
9 and trends in the children's behavioral health system. The
10 administrator shall make the outcome data available to the
11 public.

12 Sec. 6. Section 225C.4, subsection 1, paragraph u, Code
13 2019, is amended by adding the following new subparagraph:

14 NEW SUBPARAGRAPH. (9) School attendance.

15 Sec. 7. Section 225C.6B, subsection 3, Code 2019, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. c. Children's behavioral health services
18 provided to eligible children that are not covered under the
19 medical assistance program or other third-party payor are the
20 responsibility of the county-based regional service system.

21 Sec. 8. NEW SECTION. 225C.51 Children's behavioral health
22 system state board.

23 1. A children's behavioral health system state board
24 is created as the state body to provide guidance on the
25 implementation and management of a children's behavioral health
26 system for the provision of services to children with a serious
27 emotional disturbance. The state board's public voting members
28 shall be appointed to four-year staggered terms by the governor
29 and are subject to confirmation by the senate. All other
30 state board voting members shall be appointed to four-year
31 staggered terms and are not subject to confirmation by the
32 senate. State board members shall be appointed on the basis of
33 interest and experience in the fields of children's behavioral
34 health to ensure adequate representation from persons with life
35 experiences and from persons knowledgeable about children's

1 behavioral health services. The department shall provide
2 support to the state board, and the board may utilize staff
3 support and other assistance provided to the state board by
4 other persons. The state board shall meet at least four times
5 per year. The membership of the state board shall consist of
6 the following persons who, at the time of appointment to the
7 state board, are active members of the indicated groups:

8 *a.* The director of the department or the director's
9 designee.

10 *b.* The director of the department of education or the
11 director's designee.

12 *c.* The director of the department of public health or the
13 director's designee.

14 *d.* The director of workforce development or the director's
15 designee.

16 *e.* One member shall be selected from nominees submitted by
17 the state court administrator.

18 *f.* One member shall be selected from nominees submitted
19 by the early childhood Iowa office in the department of
20 management.

21 *g.* One member shall be a member of the mental health and
22 disability services commission.

23 *h.* One member shall be a board member or an employee of a
24 provider of mental health services to children.

25 *i.* One member shall be a board member or an employee of a
26 provider of child welfare services.

27 *j.* One member shall be an administrator of an area education
28 agency.

29 *k.* One member shall be an educator, counselor, or
30 administrator of a school district.

31 *l.* One member shall be a representative of an established
32 advocacy organization whose mission or purpose it is, in part,
33 to further goals related to children's mental health.

34 *m.* One member shall be a parent or guardian of a child
35 currently utilizing or who has utilized behavioral health

1 services.

2 *n.* One member shall be a sheriff.

3 *o.* One member shall be a pediatrician.

4 *p.* One member shall be a representative from a health care
5 system.

6 *q.* One member shall be a chief executive officer of a mental
7 health and disability services region.

8 *r.* In addition to the voting members, the membership shall
9 include four members of the general assembly with one member
10 designated by each of the following: the majority leader of
11 the senate, the minority leader of the senate, the speaker of
12 the house of representatives, and the minority leader of the
13 house of representatives. A legislative member serves for a
14 term as provided in section 69.16B in a nonvoting, ex officio
15 capacity and is not eligible for per diem and expenses as
16 provided in section 2.10.

17 2. The four-year terms shall begin and end as provided in
18 section 69.19. Vacancies on the state board shall be filled as
19 provided in section 2.32. A member shall not be appointed for
20 more than two consecutive four-year terms.

21 3. The director and the director of the department of
22 education, or their designees, shall serve as co-chairpersons
23 of the state board. Board members shall not be entitled to a
24 per diem as specified in section 7E.6 and shall not be entitled
25 to actual and necessary expenses incurred while engaged in
26 their official duties.

27 Sec. 9. NEW SECTION. **225C.52 Children's behavioral health**
28 **system state board — duties.**

29 To the extent funding is available, the state board shall
30 perform the following duties:

31 1. Advise the administrator on the administration of the
32 children's behavioral health system.

33 2. Provide consultation services to agencies regarding
34 the development of administrative rules for the children's
35 behavioral health system.

1 3. Identify behavioral health outcomes and indicators for
2 eligible children with a serious emotional disturbance to
3 promote children living with their own families and in the
4 community.

5 4. Submit a written report on or before December 1 of each
6 year to the governor and the general assembly. At a minimum,
7 the report shall include a summary of all activities undertaken
8 by the state board, a summary of state board activities,
9 and results from identified behavioral health outcomes and
10 indicators for the children's behavioral health system.

11 Sec. 10. Section 331.388, Code 2019, is amended by adding
12 the following new subsections:

13 NEW SUBSECTION. 01. "*Children's behavioral health services*"
14 means the same as defined in section 225C.2.

15 NEW SUBSECTION. 4A. "*Serious emotional disturbance*" means
16 the same as defined in section 225C.2.

17 NEW SUBSECTION. 4B. "*State board*" means the children's
18 system state board created in section 225C.51.

19 Sec. 11. Section 331.390, subsection 2, Code 2019, is
20 amended by striking the subsection and inserting in lieu
21 thereof the following:

22 2. The governing board shall comply with all of the
23 following requirements:

24 a. The voting membership of the governing board shall
25 consist of at least one board of supervisors member from each
26 county comprising the region or their designees.

27 b. The membership of the governing board shall also include
28 one adult person who utilizes mental health and disability
29 services or is an actively involved relative of such an adult
30 person. This member shall be designated by the regional
31 advisory committee formed by the governing board pursuant to
32 paragraph "h".

33 c. The membership of the governing board shall not include
34 employees of the department of human services or an unelected
35 employee of a county.

1 *d.* The membership of the governing board shall also consist
2 of one member representing adult service providers in the
3 region. This member shall be designated by the regional
4 advisory committee formed by the governing board pursuant to
5 paragraph "*h*". The member designated in accordance with this
6 paragraph shall serve in a nonvoting, ex officio capacity.

7 *e.* The membership of the governing board shall also
8 consist of one member representing children's behavioral
9 health services providers in the region. This member shall be
10 designated by the regional children's advisory committee formed
11 by the governing board pursuant to paragraph "*i*". The member
12 designated in accordance with this paragraph shall serve in a
13 nonvoting, ex officio capacity.

14 *f.* The membership of the governing board shall also consist
15 of one member representing the education system in the region.
16 This member shall be designated by the regional children's
17 advisory committee formed by the governing board pursuant to
18 paragraph "*i*".

19 *g.* The membership of the governing board shall also
20 consist of one member who is a parent of a child who utilizes
21 children's behavioral health services or actively involved
22 relatives of such children. This member shall be designated
23 by the regional children's advisory committee formed by the
24 governing board pursuant to paragraph "*i*".

25 *h.* The governing board shall have a regional advisory
26 committee consisting of adults who utilize services or actively
27 involved relatives of such adults, service providers, and
28 regional governing board members.

29 *i.* The governing board shall have a regional children's
30 advisory committee consisting of parents of children who
31 utilize services or actively involved relatives of such
32 children, a member of the education system, an early childhood
33 advocate, a child welfare advocate, a children's behavioral
34 health service provider, a member of the juvenile court, a
35 pediatrician, a child care provider, a local law enforcement

1 representative, and regional governing board members.

2 Sec. 12. Section 331.390, subsection 3, paragraph b, Code
3 2019, is amended to read as follows:

4 b. The regional administrator staff shall include one or
5 more coordinators of mental health and disability services
6 and one or more coordinators of children's behavioral
7 health services. A coordinator shall possess a bachelor's
8 or higher level degree in a human services-related or
9 administration-related field, including but not limited
10 to social work, psychology, nursing, or public or business
11 administration, from an accredited college or university.
12 However, in lieu of a degree in public or business
13 administration, a coordinator may provide documentation of
14 relevant management experience. An action of a coordinator
15 involving a clinical decision shall be made in conjunction with
16 a professional who is trained in the delivery of the mental
17 health or disability service or children's behavioral health
18 service addressed by the clinical decision. The regional
19 administrator shall determine whether referral to a coordinator
20 of mental health and disability services or children's
21 behavioral health services is required for a person or child
22 seeking to access a service through a local access point of the
23 regional service system or the children's behavioral health
24 system.

25 Sec. 13. Section 331.393, subsection 2, Code 2019, is
26 amended by adding the following new paragraphs:

27 NEW PARAGRAPH. i. The scope of children's behavioral health
28 core services. Each service included shall be described and a
29 projection of need shall be included.

30 NEW PARAGRAPH. j. The eligibility requirements for
31 children's behavioral health core services under the children's
32 behavioral health system.

33 Sec. 14. Section 331.393, subsection 4, paragraph g,
34 subparagraph (1), Code 2019, is amended to read as follows:

35 (1) Performance and outcome measures relating to the

SF479.1132 (3) 88

(amending this SF 479 to CONFORM to HF 690)

hb/rh

8/13

1 health, safety, education, work performance, and community
2 residency of the persons receiving the services.

3 Sec. 15. Section 331.396, subsection 1, paragraph b, Code
4 2019, is amended to read as follows:

5 b. The person is at least eighteen years of age and is a
6 resident of this state. ~~However, a person who is seventeen~~
7 ~~years of age, is a resident of this state, and is receiving~~
8 ~~publicly funded children's services may be considered eligible~~
9 ~~for services through the regional service system during the~~
10 ~~three-month period preceding the person's eighteenth birthday~~
11 ~~in order to provide a smooth transition from children's to~~
12 ~~adult services.~~

13 Sec. 16. Section 331.396, subsection 1, paragraph d, Code
14 2019, is amended by striking the paragraph.

15 Sec. 17. NEW SECTION. 331.396A Eligibility requirements —
16 children's behavioral health services.

17 A child shall be eligible for behavioral health services
18 under the regional service system if all of the following
19 conditions are met:

20 1. The child is under eighteen years of age and is a
21 resident of this state.

22 2. The child has been diagnosed with a serious emotional
23 disturbance.

24 3. a. The child's family has a family income equal to or
25 less than five hundred percent of the federal poverty level as
26 defined by the most recently revised poverty income guidelines
27 published by the United States department of health and human
28 services.

29 b. Notwithstanding paragraph "a", a child's family whose
30 household income is between one hundred fifty percent but not
31 more than five hundred percent of the federal poverty level
32 shall be eligible for behavioral health services subject to
33 a copayment, a single statewide sliding fee scale, or other
34 cost-sharing requirements approved by the department.

35 Sec. 18. NEW SECTION. 331.397A Children's behavioral health

SF479.1132 (3) 88

(amending this SF 479 to CONFORM to HF 690)

hb/rh

9/13

1 **core services.**

2 1. For the purposes of this section, unless the context
3 otherwise requires, "*domain*" means a set of similar behavioral
4 health services that can be provided depending on a child's
5 service needs.

6 2. a. (1) A region shall work with children's behavioral
7 health service providers to ensure that services in the
8 required behavioral health core service domains in subsection
9 4 are available to children who are residents of the region,
10 regardless of any potential payment source for the services.

11 (2) Subject to the available appropriations, the director
12 of human services shall ensure the behavioral health core
13 service domains listed in subsection 4 are covered services
14 for the medical assistance program under chapter 249A to the
15 greatest extent allowable under federal regulations. The
16 medical assistance program shall reimburse Medicaid enrolled
17 providers for Medicaid covered services under subsection 4 when
18 the services are medically necessary, the Medicaid enrolled
19 provider submits an appropriate claim for such services, and
20 no other third-party payor is responsible for reimbursement
21 of such services. Within the funds available, the region
22 shall pay for such services for eligible children when payment
23 through the medical assistance program or another third-party
24 payment is not available, unless the child is on a waiting list
25 for such payment or it has been determined that the child does
26 not meet the eligibility criteria for any such service.

27 b. Until funding is designed for other service populations,
28 eligibility for the service domains listed in this section
29 shall be limited to such children who are in need of behavioral
30 health services.

31 3. Pursuant to recommendations made by the state board, the
32 department of human services shall adopt rules to define the
33 services included in the core domains listed in this section.
34 The rules shall provide service definitions, service provider
35 standards, service access standards, and service implementation

SF479.1132 (3) 88

(amending this SF 479 to CONFORM to HF 690)

1 dates, and shall provide consistency, to the extent possible,
2 with similar service definitions under the medical assistance
3 program.

4 4. The children's behavioral health core service domains
5 shall include all of the following:

6 a. Treatment designed to ameliorate a child's serious
7 emotional disturbance, including but not limited to all of the
8 following:

9 (1) Prevention, early identification, early intervention,
10 and education.

11 (2) Assessment and evaluation relating to eligibility for
12 services.

13 (3) Medication prescribing and management.

14 (4) Behavioral health outpatient therapy.

15 b. Comprehensive facility and community-based crisis
16 services regardless of a diagnosis of a serious emotional
17 disturbance, including all of the following:

18 (1) Mobile response.

19 (2) Crisis stabilization community-based services.

20 (3) Crisis stabilization residential services.

21 (4) Behavioral health inpatient treatment.

22 5. A region shall ensure that services within the following
23 additional core service domains are available to children not
24 eligible for the medical assistance program under chapter 249A
25 or receiving other third-party payment for the services, when
26 public funds are made available for such services:

27 a. Treatment designed to ameliorate a child's serious
28 emotional disturbance including but not limited to behavioral
29 health school-based therapy.

30 b. Support for community living including but not limited
31 to all of the following:

32 (1) Family support.

33 (2) Peer support.

34 (3) Therapeutic foster care.

35 (4) Respite care.

1 *c.* Transition services for children to the adult mental
2 health system providing an appropriate match with a child's
3 abilities based upon informed, person-centered choices made
4 from an array of options including but not limited to all of
5 the following:

- 6 (1) Day habilitation.
- 7 (2) Job development.
- 8 (3) Supported employment.
- 9 (4) Prevocational services.
- 10 (5) Educational services.

11 *d.* Service coordination including physical health and
12 primary care that follow the principles of the system of care
13 including but not limited to all of the following:

- 14 (1) Care coordination.
- 15 (2) Health homes.

16 Sec. 19. DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF
17 PUBLIC HEALTH — CRISIS HOTLINE. The department of human
18 services and the department of public health shall provide
19 a single, statewide twenty-four-hour crisis hotline that
20 incorporates information for families of children with a
21 serious emotional disturbance which may be provided through
22 expansion of the YourLifeIowa platform.

23 Sec. 20. MENTAL HEALTH AND DISABILITY SERVICES REGION
24 — CHILDREN'S BEHAVIORAL HEALTH SERVICES IMPLEMENTATION
25 PLAN. Each mental health and disability services region shall
26 submit to the department of human services an implementation
27 plan to implement children's behavioral health services
28 described under section 331.397A, as enacted in this Act, no
29 later than April 1, 2020.

30 Sec. 21. DEPARTMENT OF HUMAN SERVICES — RULES. The
31 department of human services shall submit a notice of intended
32 action to the administrative rules coordinator and the
33 Iowa administrative code editor pursuant to section 17A.4,
34 subsection 1, paragraph "a", not later than January 1, 2020,
35 for the adoption of rules to implement this Act.

1 Sec. 22. REPEAL. Sections 225C.51, 225C.52, 225C.53, and
2 225C.54, Code 2019, are repealed.

3 Sec. 23. CODE EDITOR'S DIRECTIVES. The Code editor may
4 change the current subchapter title of chapter 225C, subchapter
5 VI, to "CHILDREN'S BEHAVIORAL HEALTH SYSTEM".

6 The Code editor may change the current subchapter title of
7 chapter 331, part 6, to "MENTAL HEALTH AND DISABILITY SERVICES
8 — REGIONAL SERVICE SYSTEM — CHILDREN'S BEHAVIORAL HEALTH
9 SYSTEM".>

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